

Meeting: Council

Date: 21 June 2018

Wards Affected: All wards in Torbay

Report Title: Community Governance Review

Is the decision a key decision? No

When does the decision need to be implemented? Subject to Council's decision

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1. Proposal and Introduction

- 1.1 On 27 October 2016, the Council resolved to undertake a community governance review once the electoral review of ward boundaries had concluded. The review would assist the Council to consider whether or not to form new town councils within Torbay.
- 1.2 The electoral review is due to conclude on 22 June 2018. This report sets out details of community governance reviews and requests the Council to consider when the review should be undertaken in light of the local government elections due to be held in May 2019.

2. Reason for Proposal and associated financial commitments

- 2.1 To enable the Council to consider when to undertake a community governance review following the Council's previous decision on 27 October 2016.
- 2.2 The proposals contained in this report will commit the Council financially in respect of resourcing a community governance review if Council resolves to undertake the review prior to the elections in May 2019. The costs associated include £50,000 for additional resources which would be funded from the Council's Revenue Contingency Budget.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council considers the options outlined in Appendix 1 to this report to determine when a community governance review is undertaken.

Appendices

Appendix 1: Options for Timescales

Background Documents

Council meeting 27 October 2016 -

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CIId=163&MID=6613>

Local Government Boundary Commission for England – Guidance on Community Governance Reviews -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

Local Government and Public Involvement in Health Act 2007 -

<https://www.legislation.gov.uk/ukpga/2007/28/contents>

Section 1: Background Information

1. What is the proposal / issue?

The Local Government and Public Involvement in Health Act 2007 (Chapter 3 of Part 4) devolved power from the Secretary of State to principal councils (such as Torbay Council) to carry out community governance reviews and put in place or make changes to local community governance arrangements, for example the creation of parish/town councils.

The terms of reference for a review can include the whole or part of the area of the Council. Reviews must be concluded within 12 months. The Council must consult the electors of the review area and have regard to the responses received. The Council must have regard to the need to secure that community governance within the area under review (a) reflects the identities and interests of the community in that area, and (b) is effective and convenient. The recommendations of the review must be published.

The Council must then decide what to do in response to a community governance review and give reasons for its decision. Where a governance review makes recommendations for the formation of a town council, the review must also make recommendations as to what electoral arrangements should apply to that council, including whether it is to be divided into wards and the number of Councillors on the town council.

If the Council decides to set up a new town council this will result in the making of orders by the Council, which must be published. Orders may make arrangements for the transfer, management or custody of property, transfer of staff and other staffing matters, and transfer of rights and liabilities.

2. What is the current situation?

The Council resolved on 27 October 2016 the following:

“that the Council conducts a Community Governance Review following the conclusion of the electoral review of Torbay’s electoral boundaries being carried out by the Local Government Boundary Commission for England.”

The Department for Communities and Local Government/the Local Government Boundary Commission for England’s ‘Guidance on community governance reviews’ states ‘Principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review. However, principal councils should avoid starting a community governance review if a review of a district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Ideally, community governance reviews should be undertaken well in advance of such electoral reviews, so that the LGBCE in its review of local authority electoral

	<p>arrangements can take into account any parish boundary changes that are made.’</p> <p>We would have needed to have published the terms of reference in March 2018 in order to have made the order for 1 April 2019 and then hold elections on 2 May 2019. However, as the electoral review order will not be confirmed by the government and published for implementation until 22 June 2018, two options are attached at Appendix 1 for Members’ consideration.</p> <p>The Ordinary Year of Election for Town Councils is 2019 and every four years thereafter. However, the DLG guidance does allow for elections to take place outside this time by either reducing or increasing the first term of office so that future elections meet the four year cycle. For example the first term of office could be in three years (2020) with the next election being held in 2023 to coincide with the normal round of elections.</p> <p>As outlined above, Torbay Council resolved to undertake a community governance review once the electoral review has ‘concluded’ which would consider whether or not to form town councils for Paignton and Torquay. The Monitoring Officer has determined that the conclusion of the review is when the Order has been confirmed and published, this is expected to be around 22 June 2018. Therefore, the Council is now requested to determine when the review should be undertaken.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The options for timescales for a community governance review are set out at Appendix 1 for the Council to determine.</p> <p>Alternatively the Council could determine not to undertake a community governance review.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>Undertaking a Community Governance Review does not directly impact on the Corporate Plan. However, the establishment of new town councils could provide the Council with the opportunity of devolving services to Torbay’s town councils. This would provide the Council with financial benefits in light of council tax capping and the ongoing financial challenges faced by the Council. Other authorities have devolved services to parish or town councils such as maintenance of parks, children’s playgrounds and open spaces. By devolving local services to town councils would enable the Council to focus on delivery strategic priorities for Torbay.</p>
<p>5.</p>	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>A community governance review itself does not directly contribute. However, any resulting establishment of town councils would provide a change in</p>

	delivery of council services with potential improvements arising from more direct local control.
6.	<p>How does this proposal tackle deprivation?</p> <p>See 5 above.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>See 5 above.</p>
8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>See 5 above.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Consultation will be undertaken as part of the statutory process for a community governance review.</p>
10.	<p>How will you propose to consult?</p> <p>The timetables set out at Appendix 1 provide an outline of the consultation involved.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>If the Council adopts option 1 (commencement of a community governance review before the local elections in May 2019) additional resources will be required to deliver the review as the Governance Support Team is already committed to delivering the May 2019 Torbay Council and Brixham Town Council elections as well as the new governance arrangements for 2019.</p> <p>The cost of additional resources to undertake the community governance review during 2018/2019 will be circa £50,000. There is no budget within the current Governance Support or Members' Support budget to fund this therefore it will need to be funded from Council's Revenue Contingency Budget, as advised by the Council's Chief Financial Officer.</p> <p>The Council is required to carry out the Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007 and the Local Government Boundary Commission for England's Guidance on Community Governance Reviews March 2010. Links to these documents can be found in the</p>
12.	<p>What are the risks?</p> <p>The Council is unable to resource a community governance review. Or the review impacts on the delivery of other key priorities.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>If the Council determine to undertake a community governance review as outlined in Option 1 at Appendix 1 a procurement exercise for additional resources may be required which would be carried out in accordance with the Council's Financial Regulations and Contracts Procedures.</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Government guidance is provided on undertaking community governance reviews.</p>
15.	<p>What are key findings from the consultation you have carried out?</p> <p>Not applicable at this stage.</p>
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>Not applicable at this stage.</p>